



TWO FOR STASHING! NHL STARS CLAIM FORMER RACE CAR DRIVER & DRUG FELON POCKETED THEIR INVESTMENT CASH IN FRAUDULENT BUSINESS

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Body

THE CONVICTED drug felon who persuaded 20 former and current National Hockey League players to invest millions of dollars in a prepaid credit card company used the money as his "personal ATM," and embarked on a scheme to strip the business of its assets and defraud investors, according to a lawsuit filed earlier this month in Arizona.

The lawsuit, filed against Tommy Constantine and other defendants by two New York cops and AZ Eufora, a company representing the hockey players' investment in the credit card company known as Eufora, seeks compensatory, consequential and punitive damages, legal fees, an accounting of profits and injunctive relief in the form of a restraining order against Constantine.

"The Company has been run into the ground by its founding member, manager and CEO, defendant Constantine, with the assistance of the other defendants and is nearly insolvent . . . Plaintiffs believe that Defendant Constantine, the primary wrongdoer, has no tangible assets and is, for all practical purposes, judgment proof," the suit claims in its request for a restraining order that asks the court to bar Constantine from further misappropriating money from Eufora.

The suit is the latest chapter in a long and Byzantine legal battle involving Constantine, a former race car driver who was sentenced to six years in prison in Illinois on drug charges in the 1990s, his former associate Phil Kenner and the hockey players and their investments. Former NHL star Joe Juneau, for instance, accused Kenner in a suit filed in December of 2008 in U.S. District Court in L.A. of bilking him out of millions in investments. An arbitrator awarded Minnesota Wild right wing Owen Nolan \$2.5 million after Nolan claimed he was scammed by Kenner. Ethan Moreau of the Edmonton Oilers filed a suit at the same time against Constantine.

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Constantine and Kenner are also defendants in a \$5 million malicious prosecution suit filed in April in California by Ken Jowdy, a golf course developer and close friend of former Yankee pitcher Roger Clemens. Jowdy claims Constantine and Kenner, a self-described "lifestyle coach," and seven NHL players disseminated false info about Jowdy in the hope of taking over his interest in lucrative projects in Mexico.

Reached by telephone Friday night, Constantine declined comment on the most recent lawsuit. Ron Richards, a Los Angeles lawyer who has represented Constantine, Kenner and the hockey players in various litigation, including the original suit against Jowdy, told the Daily News Friday he is not involved in this case, although documents in the suit show that he transferred \$966,000 from investors - mostly from the hockey players - into the Eufora account. Richards said he was not representing Eufora or the investors in those transfers.

The New York police officers involved in the Eufora suit, SWAT team member Theodore Hughes and detective Robert Rizzi, and Ottawa Senators star Sergei Gonchar, Jere Lehtinen of the Dallas Stars, former Islander Michael Peca, former Ranger Mattias Norstrom and Brian Berard, among other players, accuse Constantine of using Eufora to pay for more than \$340,000 in personal bills between Sept. 1, 2009, and March 3, 2010. The suit also claims Constantine withdrew more than \$785,000 from the company's accounts on prepaid credit cards for his personal use, including for his friends, family and girlfriends.

According to an affidavit by investor John Kaiser, described in the suit as once a Constantine confidante, Constantine raised money by telling investors that the company was on the verge of success but needed more capital and that if it did not get more funding, it might go out of business.

Kaiser, also a former New York City and Long Island police officer, said in the affidavit that he began to suspect that Constantine might be untrustworthy when Kaiser went to Arizona for a meeting to discuss an additional \$400,000 he had raised from fellow cops Rizzi and Hughes and from his own mother. During the meeting, he said he witnessed a conversation Constantine had with players Jason Woolley, Berard and Greg Devries in which he offered to buy their interest in the business for 50 cents on the dollar, or half the amount they had invested.

When Kaiser asked Constantine why he would hurt the people who had been supportive of him from the outset, Kaiser says Constantine replied: "They're desperate for money and they'll take anything I offer."

According to Kaiser's affidavit, when Kaiser told Constantine that the players might have grounds to sue, he replied: "F--- em, they're stupid hockey players; I'll just get them to sign a release and it'll be all set."

According to Kaiser, after news reports surfaced earlier last year identifying Constantine as a convicted drug felon who was being sued for fraud in a separate investment, he began looking further into Constantine's dealings and confronted him with his findings. Shortly after, he said Constantine began seeking a release from investors to absolve Constantine of all wrongdoing.

In the meantime, according to Kaiser's affidavit, Constantine portrayed himself as broke but on the verge of "hitting it big."

"He often told me that he had borrowed money from employees in order to eat," Kaiser writes, "that he showered in the office because the water or electricity in his home had been turned off, that he had not

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had medical insurance in years, that his cars were on the verge of being repossessed, that the bank was going to foreclose on his house, or that he was totally broke."

But Kaiser also describes Constantine as a "charismatic guy and a big talker, happy to discuss all aspects of his life with me and virtually anyone who will listen. . . . Among many other things, he told me he loved me like a brother, that I was one of the few people he could trust, and that he and I would together turn Eufora into the highly successful company that he knew it could become."

Graphic

Former race car driver Tommy Constantine, seen here with Playboy Playmate Sarah Elizabeth, is walking on thin ice as several NHL stars have filed a lawsuit against him claiming he pocketed their investment money. Getty

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